

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 8/3/2020

WENDY SHINE, *individually and
on behalf of her minor child, C.W.*,

Plaintiffs,

v.

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

No. 19-cv-04347 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:


No later than August 14, 2020, the parties shall submit supplemental briefing in connection with Defendant's motion to dismiss addressing the following questions:

- (1) Does a plaintiff alleging discrimination based on a failure to provide reasonable accommodations under the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131 *et seq.*, or Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 701 *et seq.*, need to show that the defendant "knew or reasonably should have known" of the plaintiff's disability as an element of her *prima facie* case, consistent with *McMillan v. City of New York*, 711 F.3d 120, 125-26 (2d Cir. 2013), *Logan v. Matveevskii*, 57 F. Supp. 3d 234, 256 (S.D.N.Y. 2014), and *Pinckney v. Carroll*, No. 18-CV-12198 (VEC), 2019 WL 6619484, at *6, *8 (S.D.N.Y. Dec. 4, 2019)?

(2) To the extent that a plaintiff must allege that a defendant “knew or reasonably should have known” of the plaintiff’s disability as an element of an ADA or Section 504 reasonable accommodation claim, has Shine made the adequate showing here and if not, does she seek leave to amend her complaint?

SO ORDERED.

Dated: August 3, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written above a horizontal line.

Ronnie Abrams
United States District Judge